

Attorney Docket No. P13276-US2

**REMARKS/ARGUMENTS****1.) Notice of References Cited**

The Applicants note that the primary reference being used by the Examiner to reject the Applicants' claims (Barany et al. -- U.S. Patent No. 6,584,084) is not listed on the PTO 892 Notice of References Cited. It is respectfully requested that the Examiner add Barany to the PTO 892.

**2.) Claim Amendments**

Claims 1-28 are pending in the application. The Applicants have amended claims 6, 7, 10-14, and 16-28. Favorable reconsideration of the application is respectfully requested in view of the foregoing amendments and the following remarks.

**3.) Allowable Subject Matter**

In paragraph 8 of the Office Action, the Examiner objected to claims 10-12, 19-21, and 24-27 as being dependent on a rejected base claim, but stated they would be allowable if rewritten in independent form including all the limitations of the base claim and any intervening claims.

Claim 10 has been rewritten in independent form including all the limitations of base claim 1 and intervening claims 8 and 9. Therefore, the allowance of amended claim 10 is respectfully requested. Claims 11 and 12 depend from amended claim 10 and recite further limitations in combination with the novel elements of claim 10. Therefore, the allowance of claims 11 and 12 is respectfully requested.

Claim 19 has been rewritten in independent form including all the limitations of base claim 14. Therefore, the allowance of amended claim 19 is respectfully requested. Claims 20 and 21 depend from amended claim 19 and recite further limitations in combination with the novel elements of claim 19. Therefore, the allowance of claims 20 and 21 is respectfully requested.

Claim 24 has been rewritten in independent form including all the limitations of base claim 14 and intervening claims 22 and 23. Therefore, the allowance of amended claim 24 is respectfully requested. Claims 25-27 depend from amended claim 24 and

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recite further limitations in combination with the novel elements of claim 24. Therefore, the allowance of claims 25-27 is respectfully requested.

#### 4.) Examiner Objections

In paragraph 1 of the Office Action, the Examiner objected to claims 6-7 and 10-27 due to informalities. The Applicants have amended the claims to correct the informalities, with the exception of claim 21, where the Examiner's suggestion did not seem correct. The same informalities were corrected in other claims that were not listed by the Examiner. In claims where the Examiner suggested deleting "the", the remaining sentence structure did not seem correct, so the Applicants have added --a-- or --an-- in those claims. The withdrawal of the objection is respectfully requested.

#### 5.) Claim Rejections – 35 U.S.C. § 102(a)

In paragraphs 2-3 of the Office Action, the Examiner rejected claims 1 and 8-9 under 35 U.S.C. § 102(a) as being anticipated by Barany, et al. (US 6,584,084). The Applicants respectfully disagree.

Claim 1 recites a method in a packet data communication system for allocating user dedicated control channels on an available radio channel resource for transmission of control signals, wherein a first delay sensitive user application and at least a second user application, which is less delay sensitive than the first user application, are assigned for user data transmissions on a packet data traffic channel. The method includes the steps of allocating a first logical control channel *associated with the first user application* on a first part of the available radio channel resource; and allocating a second logical control channel *associated with the at least second user application* on a second part of the available radio channel resource. Thus, the allocations of the first and second logical control channels depend on associated user applications, and their different delay sensitivities.

Barany discloses a methodology in which different types of control channels are transmitted in different timeslots, but the allocation of the control channels to the different timeslots seems to be based on the type control channel (e.g., PTCCH, PFCCH, etc.) rather than the associated user application. The Applicants could find no

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teaching or suggestion in Barany that first and second logical control channels could be allocated to different parts of an available radio channel resource based on associated user applications and their different delay sensitivities.

Therefore, the withdrawal of the rejection and the allowance of claim 1 are respectfully requested. Claims 8 and 9 depend from claim 1 and recite further limitations in combination with the novel elements of claim 1. Therefore, the allowance of claims 8 and 9 is respectfully requested.

In paragraph 4 of the Office Action, the Examiner rejected claims 14-15 and 22-23 under 35 U.S.C. § 102(a) as being anticipated by Barany. The Applicants have amended the claims to better distinguish the claimed invention from Barany. The Examiner's consideration of the amended claims is respectfully requested.

Independent claim 14 recites limitations similar to claim 1. Therefore, the withdrawal of the rejection and the allowance of claim 14 are respectfully requested for the same reasons discussed above for claim 1. Claims 15, 22, and 23 depend from claim 14 and recite further limitations in combination with the novel elements of claim 14. Therefore, the allowance of claims 15, 22, and 23 is respectfully requested.

In paragraph 5 of the Office Action, the Examiner rejected claim 28 under 35 U.S.C. § 102(a) as being anticipated by Barany. The Applicants have amended the claim to better distinguish the claimed invention from Barany. Amended claim 28 recites a method in a packet data communication system for allocating logical control channels associated with logical traffic channels, on an available radio channel resource for transmission of control signals. The method includes the steps of allocating a first logical control channel on a first part of the available radio channel resource based on an associated logical traffic channel for carrying user data of a delay sensitive application; and allocating a second logical control channel on a second part of the available radio channel resource based on an associated logical traffic channel for carrying user data of a non-delay sensitive application.

Thus, Independent claim 28 recites limitations similar to claim 1. Therefore, the withdrawal of the rejection and the allowance of claim 28 are respectfully requested for the same reasons discussed above for claim 1.

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**6.) Claim Rejections – 35 U.S.C. § 103(a)**

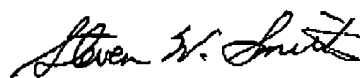
In paragraphs 6-7 of the Office Action, the Examiner rejected claims 2-4 and 16-18 under 35 U.S.C. § 103(a) as being unpatentable over Barany. However, as noted above, there is no teaching or suggestion in Barany that first and second logical control channels could be allocated to different parts of an available radio channel resource based on associated user applications and their different delay sensitivities, as recited in independent claims 1 and 14. Claims 2-4 depend from claim 1, and claims 16-18 depend from claim 14, and recite further limitations in combination with the novel elements of claims 1 and 14. Therefore, the allowance of claims 2-4 and 16-18 is respectfully requested.

**CONCLUSION**

In view of the foregoing remarks, the Applicants believe all of the claims currently pending in the Application to be in a condition for allowance. The Applicants, therefore, respectfully request that the Examiner withdraw all rejections and issue a Notice of Allowance for claims 1-28.

The Applicants request a telephonic interview if the Examiner has any questions or requires any additional information that would further or expedite the prosecution of the Application.

Respectfully submitted,



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Date: 10-19-2004

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